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## BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL  
CHAIRMAN

Arizona Corporation Commission

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COMMISSIONER

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T-03797A-99-0591

IN THE MATTER OF THE APPLICATION OF

DOCKET NO. T-0397A-99-0591

CNG COMMUNICATIONS, INC., FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE COMPETITIVE  
RESOLD INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES.PROCEDURAL ORDER**BY THE COMMISSION:**

On October 18, 1999, CNG Communications, Inc., ("Applicant" or "CNG") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide resold interexchange telecommunications services within the State of Arizona.

On December 6, 1999, Applicant filed an amendment to its original application.

On January 12, 2000, the Commission's Utilities Division Staff ("Staff") wrote a letter to Applicant indicating the application was complete.

On May 2, 2000, Staff wrote a letter to Applicant indicating they needed more information in order to process the application.

On May 25, 2000, the attorney for Applicant responded to Staff's letter dated May 2, 2000. Instead of providing answers to Staff's request, the letter chose to point out that Staff's previous letter dated January 12, 2000 had stated that the application was "complete." The attorney then asked to be advised of the true status of his client's filing.

On June 22, 2000, Staff wrote two separate letters to Applicant. The first letter addressed Applicant's letter dated May 25, 2000. It stated that the January 12, 2000 letter from Staff was in error and that certain information was still needed in order to process the application. Both letters asked for additional information and both noted that that Applicant had not published notice in all counties where services are to be provided as required by Commission rules. The letters indicated that a response was due within 30 days of the date of the letter and that if a response is not received

1 within 60 days of the date of the letter, then Staff will recommend the application be terminated.

2 On September 19, 2000, Staff again wrote to Applicant requesting certain information. This  
3 letter again requested that the information be submitted within 30 days of the date of the letter.

4 On December 14, 2000, Staff filed its Staff Report in this matter. **The report asks that**  
5 **CNG's application be denied.**

6 Applicant has not responded to Staff's numerous requests and Applicant has not contacted  
7 Staff since its letter dated May 25, 2000.

8 Pursuant to A.R.S. § 40-282, the Commission may act on an application for a Certificate to  
9 provide resold telecommunications services without a hearing, or with a hearing if one is requested  
10 by any party.

11 Pursuant to Commission rules, the Commission now issues this Procedural Order to govern  
12 the preparation and conduct of this proceeding.

13 IT IS THEREFORE ORDERED that CNG Communications, Inc. shall file with the  
14 Commission written exceptions, if any, to the Staff Report and any request for hearing, by **June 29,**  
15 **2001.**

16 IT IS FURTHER ORDERED that the failure of CNG Communications, Inc. to comply with  
17 any or all of the Ordering paragraphs set forth in this Procedural Order within the timeframes  
18 specified may result in the denial of CNG Communications, Inc.'s application.

19 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
20 pursuant to Rule 6(a) or (e) of the Arizona Rules of Civil Procedure.

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1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive  
2 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

3 DATED this 4 day of June, 2001.

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7 PHILIP J. DION III  
ADMINISTRATIVE LAW JUDGE

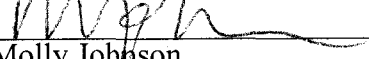
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9 Copies of the foregoing mailed/delivered  
this 4 day of June, 2001 to:

10 John T. Sessions  
11 SESSIONS & CO  
12 411 University Street  
Suite 1200  
13 Seattle, Washington 98101-2515  
Attorneys for CNG Communications, Inc.

14 Calvin J. Payne  
15 President  
CNG COMMUNICATIONS, INC.  
2001 Sixth Ave.  
Suite 3302  
16 Seattle, Washington 98121

17 Christopher Kempley, Chief Counsel  
Legal Division  
18 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
19 Phoenix, Arizona 85007

20 Deborah Scott, Director  
Utilities Division  
21 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
22 Phoenix, Arizona 85007

23 By:   
24 Molly Johnson  
25 Secretary to Philip J. Dion III  
26  
27  
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